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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,081	02/15/2002	Michael D. Jordan	B01-74	5234

7590

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EXAMINER

GORDON, RAEANN

ART UNIT PAPER NUMBER

3711

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,081

Applicant(s)

JORDAN, MICHAEL D.

Examiner

Raeann Gorden

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 27-51 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-17 and 27-51 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-13, 17, 27-39, 43, 44, and 49-51 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hebert et al (6,132,324). Regarding claims 1 and 6, Herbert discloses a golf ball comprising a core, an inner cover layer (applicant's moisture vapor barrier), and an outer cover. The inner cover layer may be made from a copolymer of ethylene and methacrylic acid (col. 6, lines 10-12). The moisture vapor rate for the inner cover layer is lower than the cover since applicant claims identical materials disclosed by Herbert. Regarding claims 7-9, the inner cover layer material has an acid level from 5 to 35% by weight (col. 6, lines 1-5). Regarding claims 10-13, since the materials are the same the melt flow index will also be the same. Regarding claim 17, the method of production does not further limit the claim. Regarding claim 27, Herbert discloses a golf ball comprising a core, an inner cover layer (applicant's moisture vapor barrier), and an outer cover. The inner cover layer may be made from a copolymer of ethylene and acrylic acid (col. 6, lines 10-12). The moisture vapor rate for the inner cover layer is lower than the cover since applicant claims identical materials disclosed by Herbert. Regarding claims 28-30, the inner

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cover layer material has an acid level from 5 to 35% by weight (col. 6, lines 1-5).

Regarding claims 31-34, since the materials are the same the melt flow index will also be the same. Regarding claims 35-39, Herbert discloses a golf ball comprising a core, an inner cover layer (applicant's moisture vapor barrier), and an outer cover. The inner cover layer may be made from a copolymer of ethylene and acrylic acid (col. 6, lines 10-12). The moisture vapor rate for the inner cover layer is lower than the cover since applicant claims identical materials disclosed by Herbert. Since the materials are the same the melt flow index will also be the same. Regarding claim 43, the method of production does not further limit the claim. Regarding claim 44, the core is made from a natural rubber (col. 7). Regarding claims 49 and 50, the cover is made from a polyurethane (col. 8). One of ordinary skill in the art would have vary the properties to achieve the desired properties.

Claims 14-16 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herbert in view of Nesbitt (4,431,193). Herbert does not disclose a thickness less than 0.030 inch. However Nesbitt teaches an inner cover layer with a thickness from 0.020 to 0.070 inch. One skilled in the art would have modified Herbert in view of Nesbitt for the desired properties.

Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 703-308-8354. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Raeann Gorden
Examiner
Art Unit 3711

Rg
December 22, 2003